Edward (L.) 578. L. 20 2 2

OBSERVATIONS

ON THE

HEADS of the intended BILL for improving the DRAINAGE of the MIDDLE and SOUTH LEVELS of the FENS, and the Country of MARSHLAND, by a new Cut from *Eau Brink* to *Lynn*; and for improving the Navigation of the River *Ouze*:

WITH THE

HEADS of ſeveral CLAUSES propoſed to be inſerted in the BILL, for the Benefit of the LANDS included in the ſaid DRAINAGE,

BY

A MEMBER of the COMMITTEE for preparing the BILL, and conducting the ſame in Parliament.

1793.

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OBSERVATIONS on the printed Heads of the Bill, intituled, "Heads of a Bill for improving "the Drainage of the Middle and South Levels, "Part of the Great Level of the Fens, called "*Bedford Level*, the Low Lands near to or ad- "joining the ſaid Levels, as alſo the Lands ad- "joining or near the River *Ouze*, in the County "of *Norfolk*, draining through the ſame to Sea "by the Harbour of *King's Lynn*, in the ſaid "County, and for altering and improving the "Navigation of the ſaid River *Ouze*, from or "near a Place called *Eau Brink*, in the Pariſh "of *Wiggenhall Saint Mary's*, in the ſaid County, "to Sea, through the ſaid Harbour of *King's* "*Lynn*;" as ſettled by the Committee appointed at a Meeting held at *March*, the 14th of *May* 1792; with Propoſals for adding ſome Clauſes for the general Benefit of the Lands, within the Limits of the ſaid Bill.

BEFORE any Comments are made on the different Objects this Bill embraces, and its Tendency and Effect, it ſeems neceſſary to give ſome Account of the peculiar Circumſtances attending the Lands propoſed to be improved under the Powers therein contained, and more particularly for the Information of ſuch Land Owners as reſide at a Diſtance from the Fens.

The Great Level of the Fens, called Bedford Level (of which the Middle and South Levels conſtitute the moſt conſiderable Part, the North Level having been ſeparated therefrom in Point of Revenue on the Terms mentioned in the Act of the 27th of George IId.) was drained by virtue of certain Laws of Sewers, and under the Powers of the pretended Act paſſed in 1649, in the Time of Oliver Cromwell; and it appears by Dugdale, p. 416, that the ſaid Great Level was, by a Decree of Sewers made at Ely on the 25th of March 1653, adjudged to be fully drained; and thereupon the Earl of Bedford and his Participants had Poſſeſſion of the 95,000 Acres awarded to them, being the Proportion before agreed to be given to them as a Compenſation for draining the Whole of the ſaid Great Level. However,

ever, as an Undertaking of ſuch great Importance required more ample Powers than the Earl of Bedford and his Participants were inveſted with, an Application was made to Parliament, in the 15th Charles IId. 1664 (a few Years after the Reſtoration) and in that Year the memorable Act paſſed, intituled, "An Act for ſettling the Drainage of the Great Level of the Fens, called Bedford Level;" in which, after reciting the different Authorities by virtue and under Colour whereof the Earl of Bedford and his Participants had completed the Drainage of the ſaid Level, the Earl and his Participants were thereby declared to be a Body Politic and Corporate, with Powers to lay Taxes, from Time to Time, upon all the ſaid 95,000 Acres only, for Support, Maintenance, and Preſervation of the ſaid Level and Works then made and to be made; and 83,000 Acres, Part of the 95,000 Acres, were veſted in the ſaid Corporation in Truſt for the ſaid Earl of Bedford and his Participants, and the remaining 12,000 Acres were veſted in other Perſons, but ſubject to be taxed for the Works of Drainage, as in the ſaid Act is mentioned. AND it may be here obſerved, that in the framing this Act, Proviſion was made as well for the Security and Recompence of the Perſons who had riſqued their Fortunes in this arduous Undertaking of Draining ſuch an immenſe Tract of Country, as alſo for the Security and Encouragement of the Reſt of the Land Owners within the Boundaries of the ſaid Level, who had parted with ſo large a Portion of their Lands, there being controuling Powers and Remedies provided in caſe the Corporation of Bedford Level ſhould fail effectually to drain the Lands in the ſaid Level; and likewiſe the Lords of Manors, and other Owners of Waſtes and Commons, were impowered to incloſe, divide, and improve the ſame, and the Commiſſioners appointed by the ſaid Act were authorized to ſettle Differences between the reſpective Claimants, and to make Awards for allotting ſuch Waſtes and Commons in ſuch Proportions as the reſpective Parties appeared to be entitled, upon Evidence produced before the Commiſſioners.

It may be proper here to remark, that only the ſaid 95,000 Acres, ſo allotted to the Earl of Bedford and his Participants, are liable to be taxed under the ſaid Act of the 15th Charles IId. for ſupporting the Works of Drainage, and the ſame are uſually deſcribed by the Appellation of The Adventurers Lands, and the Reſt of the Lands in the ſaid Level are generally diſtinguiſhed by the Name of The Free Lands, owing, as is ſuppoſed, to the Circumſtance of their not being ſubject to any Tax or Burthen whatever, towards ſupporting the Works of Drainage of the ſaid Level, this being charged intirely upon the ſaid 95,000 Acres, which were given out of the Commons and other Lands in the ſaid Level to the Earl of Bedford and his Participants, as a Compenſation for their undertaking the Drainage of the whole Level, as is before ſtated.

The Fen Lands in the Middle and South Levels contain in the Whole about 270,009 Acres, of which 186,375 Acres come under the

the Denomination of Free Lands, and the remaining 83,625 Acres are called Adventurers Lands. All theſe Lands drain by the River Ouze, which falls into the Sea below the Harbour of King's Lynn, and all Works for the Drainage of theſe Lands, as well Adventurers Lands as Free Lands, are intirely under the Controul and Management of the Bedford Level Corporation, by virtue of the ſaid Act of the 15th Charles IId. and the Middle and South Levels compriſe a conſiderable Part (although not near the Whole) of the Lands meant to be drained and improved under the preſent Bill, for there is a large Tract of Marſh and Fen Land, containing about 30,000 Acres, called The Country of Marſhland, adjoining or in Part contiguous to the ſaid Middle and South Levels, the Waters of which fall into the River Ouze, and are conveyed to Sea by the ſame Outfall as the Waters of the ſaid Levels; but the Country of Marſhland is not within the Boundary of Bedford Level, or ſubject to its Controul, the ſame being regulated by Laws of Sewers, and other Powers, and only connected with Bedford Level by Reaſon of its Contiguity, and draining by the ſame Outfall.

The reſident Land Owners in the Middle and South Levels, and the Country of Marſhland, thus connected, have long ſince diſcovered it to be their mutual Intereſt to attend to the Improvement of the lower Part of the River Ouze, between Eau Brink and Lynn (which for many Years paſt has been gradually ſilting up, and is now rendered unequal to the Purpoſes of Drainage, and dangerous and unſafe for Navigation) and they have lately, for the Information of all Perſons intereſted, employed ſeveral ſkilful Engineers, who have made their Reports, and given Plans and Eſtimates for ſuch Works as, according to their Opinions, will effectually drain the Middle and South Levels, and the Country of Marſhland, and render the Navigation of the Ouze at all Times ſafe and certain.

And it may be here more particularly obſerved, that the Owners of the Free Lands, being ſatisfied of the Inability of the Corporation of Bedford Level to bear the Expence of ſo great a Work, generouſly ſtepped forward, and offered to join in the Undertaking, to reſcue the Country from impending Ruin; and, towards raiſing ſuch Part of the Expences as appeared reaſonable to be borne by the Land Owners, to ſubject their Eſtates to an equal Acre Tax with the Adventurers Lands, and the Country of Marſhland, without making any Diſtinction, waiving, upon this Occaſion, every Preference the Act of the 15th of Charles the IId. might entitle them to, they conſidering the propoſed Work to have become neceſſary, from Cauſes not foreſeen at the Time of paſſing the ſaid Act, and there appearing to be only One Opinion as to the Neceſſity of ſuch a Work (an Opinion founded on the long and painful Experience of the Inhabitants of the Country) therefore they have united in the common Cauſe for the Preſervation of a vaſt Tract of Land, which without ſuch Exertions was in Danger of being loſt to Individuals, and to the Public; and the Outlines of the Plan for effecting

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fecting this great Work, are ſtated in the Reſolutions of the Meeting held at March, on the 14th of May 1792, in Subſtance as follows:

That the Drainage by the River Ouze from Eau Brink to Lynn was defective, and the Navigation uncertain and dangerous; and that from ſuch Defect in the Drainage, upwards of 300,000 Acres of valuable Land were greatly injured, and were frequently in danger of being drowned and loſt.

That the Plan for making a new Cut or River from Eau Brink through the Marſhes to the Port of Lynn, and upon Survey approved by Meſſieurs Milne, Golborne, Maxwell, Watte, and others, was likely to leſſen the Expence of Banks, Mills, and Works of Sewers, by rendering the Drainage of the Country perfect, and the Navigation certain and ſafe. That the Improvement of Navigation was highly advantageous to the Land Owners as well as the Navigators, and that both Intereſts ſhould co-operate in obtaining ſuch Improvement; and that as the propoſed Cut would render the Navigation of the Ouze ſafe, and greatly leſſen the Expence of the Navigators in Haling Tolls, and other Matters, it was reaſonable that ſome Annual Payment ſhould be made for the Improvement of Navigation by the ſaid Work, and that whatever Money was raiſed by a Tonnage on Navigation ſhould be veſted in Commiſſioners to be appointed for Navigation, and after Payment of ſuch Compenſation for the Advantages to be derived by the propoſed Cut, the Reſidue ſhould be appropriated for making Ebb Doors, Staunches, Jettees, and other Works for improving the Rivers, and the Outfall in and through Lynn Harbour.

That it appeared to the Meeting, that the Sum of £. 45,000 would be fully ſufficient to anſwer the Expence of making the ſaid new Cut, and incident Works; and that it would not require a Tax of more than Four Pence per Acre for Ten Years, or Three Shillings per Acre for One Year.

And a Committee was appointed at the ſaid Meeting, with Powers to ſettle a Bill for the above Purpoſes, to be offered to Parliament at the then next Seſſion; and that the ſaid Committee ſhould conduct the ſame through Parliament.

From the Reſolutions of this Meeting (which was very fully attended) the Opinion of the Country is clearly ſhewn, as to the defective State of the Outfall, and the Neceſſity of adopting a Plan for its Improvement; and it reflects great Honour on the Promoters of the Plan, in having obtained ſuch Information from able Engineers, ſo as entirely to ſatisfy thoſe intereſted in the Undertaking, that they were proceeding on ſafe and proper Grounds.

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In conſequence of theſe Reſolutions, and in conformity thereto, the Committee have, with much Care, ſettled the Heads of the intended Bill; but as they did not think themſelves warranted in going beyond the Authority delegated to them, the Bill is confined merely to the Objects pointed out in the ſaid Reſolutions of the 14th of May, and ſo far as it extends, there is no Doubt of the Benefit being very great to the Individuals intereſted in the Undertaking, and alſo to the Public; yet when ſo great an Undertaking is in Agitation, and vaſt Sums of Money are meant to be raiſed and expended by thoſe who engage in it, there is every Inducement to take into their Conſideration the Improvement of this immenſe Tract of Land to its fulleſt Extent, which can never be done at a more convenient Opportunity than the preſent, by taking ſufficient Powers in the Bill now brought into Parliament; but before theſe additional Powers are fully explained, it ſeems neceſſary to have a Retroſpect to the original Plan of the Drainage of Bedford Level, and the Policy obſerved in promoting the general Welfare of the Land Owners, and the Improvement of their Eſtates; for it appears by the ſaid Act of the 15th of Charles IId. Sect. 38. That the Owners of Waſtes and Commons were impowered to incloſe and improve the ſame; the Clauſe is as follows:

"And, to the End that the Owners of the Commons and Waſtes in the ſaid Level, and other Towns, Pariſhes, and Places unto which the Works aforeſaid, or any of them, do extend, may improve the ſame by making Diviſions and Incloſures; Be it provided and Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons, Body Politic or Corporate whatſoever, their Heirs and Succeſſors, that are or ſhall be Lords of Manors, or have or ſhall have Right of Common in the ſaid Waſtes, to improve, ſet out, incloſe, divide, and ſever ſuch Proportion or Proportions as to them ſhall or may ſeverally or reſpectively belong or appertain, or be adjudged and allotted out of the ſaid Commons and Waſtes within the ſaid Level, or within any Town, Pariſh, or Place into which the Works aforeſaid, or any of them, do extend, and to hold ſuch Proportion in Severalty at all Times of the Year; and all Differences that ſhall ariſe concerning the Boundaries of the Waſtes, Rights of Common, Approvements, Allotments, Diviſions, and Incloſures, ſhall from Time to Time and at all Times be determined, adjudged, and finally ended by the ſaid Commiſſioners for the Time being, or any Seven or more of them, upon their View, or Examination of Witneſſes upon Oath (which they are hereby authorized to adminiſter) or upon both, and hearing of the Parties concerned, by their Adjudication under their Hands and Seals in Writing, which Determination and Judgment, being certified into the Petty Bag, there to be filed and kept on Record, ſhall be final and concluſive unto all Parties; and the Allotments, Diviſions, and Proportions ſo adjudged or decreed to be held by the ſaid reſpective

reſpective Perſons to whom they are ſo ſet out, ſhall be held by him or them, and his and their Heirs, Executors, and Aſſigns reſpectively, according to his or their Tenure or Tenures, Eſtate, Title, or Intereſt they had in the Manors, Tenements, and Lands for which they claimed the ſaid Proportions of Common as aforeſaid; paying ſuch Fines and Rents, and doing ſuch Services in Proportion for the ſame, as by Cuſtom or otherwiſe they are to pay or do, and do for the Manors, Tenements, and Lands for which they claim the ſame Proportion, having ſuch reſpect to the Yearly Values of the One and the other as ſhall (if Need ſo require) be limited by Seven or more of the Commiſſioners."

A great Quantity of Common and Waſte Land was incloſed and improved by virtue of this Clauſe, as appears by the Decrees or Awards of the Commiſſioners, filed in the Petty Bag Office; but notwithſtanding the peculiar Advantage of ſuch a Power, this Clauſe continued in force only a few Years, being repealed by the 1ſt James IId. Ch. 21. and the principal Reaſon given in the Preamble to that Act is, that the taking and cutting the Commons and Waſtes into ſmall Pieces, was found to be prejudicial to the Owners and Country, being a great Waſte of Ground, &c.

By Experience however, the Fallacy of this Reaſoning has long ſince been diſcovered; witneſs the different Acts of Parliament which have ſince paſſed for incloſing Commons and Waſte Lands in the Fens within Bedford Level; and therefore no good Reaſon can now be given why the Owners of the Free Lands ſhould not be put upon the ſame Footing, and partake of the ſame Privileges as they enjoyed under the Act of the 15th Charles IId. for if it is a public Benefit (which is now the received Opinion) no one can object to it, as no Individual will ſuffer by ſuch a Power; and there is now a further Reaſon, the Country of Marſhland having become Aſſociates with the Middle and South Levels in the great Work of Drainage, one general Plan of Improvement ought to be adopted, and ſuch Powers given in the Act as will diffuſe Benefit to the Whole; and nothing ought to be wanting which can be ſuggeſted by the Ingenuity of ſkilful Men in an enlightened Age. Great Streſs is here laid on the Reaſonableneſs of the Power to incloſe Commons, becauſe it would be an immenſe Advantage to the Land Owners in the Middle and South Levels, and perhaps ſome Benefit to the Country of Marſh Land; and this Power might with equal Propriety be extended to Lammas Land, or any Land ſubject to a partial Commonage, which would likewiſe be found very beneficial to the Land Owners as well as to the Occupiers. And there is ſtill a further Reaſon why Powers ſhould be given for incloſing and improving Commons: By the preſent Bill the Commons are to be taxed at the ſame Rate per Acre as the incloſed Land, and therefore it ſeems equitable that every Encouragement ſhould be given to the Commoners, to induce them to bear this additional Burthen chearfully.

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The Heads of the Bill having, as is before obſerved, been ſo lately ſettled with great Care and Attention by the Select Committee appointed by the Country to bring in the Bill, and appearing to be ſo framed as to confine the Objects as near as may be to the Spirit of the Reſolutions of the 14th of May 1792, it only remains now to conſider what general Clauſes can be introduced into the Bill likely to be of the greateſt Benefit to the Land Owners and Occupiers, and tending moſt to the Improvement of the Lands therein compriſed; the following are therefore ſubmitted to the Conſideration of the Parties intereſted:

1ſt. One or more Clauſes to the Effect of the before ſtated Clauſe in the Act of 15th Charles IId. Chap. 17. Sect. 38. giving Power to the Lords of Manors, and other Perſons intereſted in Commons or Waſte Lands within the Limits of the Act, to incloſe, divide, drain, and improve the ſame: alſo to give Power to Perſons intereſted in Lammas Lands, or Lands ſubject to a partial Commonage, to diſcharge the ſame from ſuch Right of Common, by making a Compenſation in Land, or otherwiſe, to the Perſons entitled to ſuch Commonage.

N. B. Clauſes of this Nature muſt of Courſe be very ſpecial, and penned with the greateſt Care, as their Operation would affect an immenſe Number of Perſons, and lay the Foundation of a great Variety of Titles to ſmall Parcels of Land on the Subdiviſion of Commons.

2d. It is alſo preſumed there might be Clauſes giving Powers to the Owners of incloſed Lands, not already within private Diſtricts for Drainage, to form themſelves into Diſtricts, and to erect Water Engines, and all neceſſary Works of Drainage, and to ſubject their Lands to temporary or other Taxes for ſupporting ſuch Works.

3d. Likewiſe Clauſes giving Power to the Commiſſioners of Diſtricts to ſell off the Taxes charged on the Lands, and to apply the Money in the Payment of the Debts charged on the reſpective Diſtricts; alſo from Time to Time to reduce the Taxes of the reſpective Diſtricts, and to advance the ſame again, and upon any Emergency to charge a further Tax on the Lands for the Support of the Works of the reſpective Diſtricts; alſo to take down any Mill or Engine when found uſeleſs, and to erect or make any new or additional Mills or Engines when the ſame ſhould be found neceſſary.

N. B. In the Firſt Set of additional Clauſes, it ſeems that it would be neceſſary to have Commiſſioners appointed by the Act, for the Iſle of Ely, and the ſeveral Counties within the Limits of the Act, out of which Commiſſioners a Majority of the Owners of Commons ſhould

ſhould be impowered to chuſe One or more for ſettling the Terms of the Incloſure and Diviſion of any Commons; and it may be proper to have Powers to elect new Commiſſioners, in caſe of the Death of any of thoſe appointed by the Act.

In the Second Set of additional Clauſes, it may be neceſſary to give Powers to the Commiſſioners referred to in the Firſt Set of additional Clauſes, to ſettle the Terms of the Drainage of incloſed Lands, not already within private Diſtricts, on Application from the Land Owners (where Three Fourths in Number and Value ſhall be conſenting) to drain and to have their Lands laid into Diſtricts.

And in either of theſe Caſes, it ſeems that it will be proper that ſuch Commiſſioner or Commiſſioners, acting under the Firſt or Second Set of Clauſes, ſhould make an Award or Adjudication, to be filed in the Petty Bag Office, or with the Regiſter of the Corporation of Bedford Level, or in ſome other Place for ſafe Cuſtody, and that a Copy thereof ſhould be deemed legal Evidence.

And it ſeems perfectly reaſonable, and no doubt would give great Satisfaction to the Owners of the Free Lands in the Middle and South Levels, that during the Time the Outfall is improving at Eau Brink, other Works ſhould go forward for the Improvement of the Drainage of the interior Parts of theſe Levels; and that a Proviſion ſhould be made for defraying the Expences without any further Tax upon the Free Lands, which will be a handſome Return for the Liberality their Owners have ſhewn in forwarding a Work for the Preſervation of the Whole.

And although it is preſumed the additional Clauſes before propoſed would make the Drainage of the Lands within the Limits of the Bill very complete, yet a perfect Drainage may occaſion other Wants, namely, the Want of Water, which ſhould be guarded againſt in ſuch a Way as in the Wiſdom of the Legiſlature may appear moſt proper; and this invaluable Bleſſing ought by no Means to be withheld from the Occupiers of the Land, where it can be given without Danger to the Navigation.

Before theſe Obſervations are cloſed, it may be neceſſary again to remind the Parties engaged in this immenſe Undertaking, of the Powers given to the Commiſſioners of Controul by the Act of the 15th of Charles the IId. * and to ſubmit to their Conſideration how far it may be proper to name Commiſſioners in the preſent Act, in the Place and Stead of the Commiſſioners appointed by the Act of the 15th of Charles the IId. (none of whom it is preſumed are now living) who appear to have been choſen from the principal Gentlemen of the reſpective Counties within Bedford Level, and may be truly called the Guarantees or Sureties for the Performance of the Engagement made by the Adventurers and their Participants with the Country.

* See Cole's Laws of Bedford Level, p. 294 to 306.

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To the Proprietors of Eſtates in the Middle and South Levels of the Fens, as well of Free as Adventurers Lands; and alſo to the Proprietors of Eſtates in the Country of *Marſhland*.

HAVING reſided many Years in the Vicinity of the Fens, and during that Time employed in the ſuperintending Eſtates in different Parts thereof, and more particularly in the Middle Level, I have had frequent Occaſions to obſerve the Nature of the Drainage, and its defective State; and being lately appointed One of the Select Committee for preparing and bringing in a Bill conformable to the Reſolutions entered into at March, the 14th May 1792, I have with much Care reviſed the Laws which regulate the Drainage of the Fens; and in the preceding Obſervations I have preſumed to point out in what Particulars the ſame appear to me to be capable of Amendment; and it will reſt with the Land Owners to conſider whether they will avail themſelves of the preſent Opportunity of taking every Power the Legiſlature will indulge them with for the Improvement of their Property, or leave it to Chance whether any further Powers ſhall be given them than are comprized in the preſent printed Heads of the Bill referred to in my Obſervations, which are confined merely to the Objects pointed out in the Reſolutions of the 14th May 1792.

In my Obſervations, I have offered ſome Reaſons in Support of the different Sets of Clauſes I recommended to be introduced into the intended Bill, therefore any Repetition will be unneceſſary, and I flatter myſelf that thoſe who attentively conſider the Situation, and all Circumſtances attending the different Sorts and Deſcriptions of Land propoſed to be included in the Limits of the Bill, will be forcibly ſtruck with the Propriety of inſerting the Clauſes therein I have propoſed; and I think it very probable that other Proprietors or Agents will, on looking into the ſubſiſting Laws for regulating the Drainage of the Fens, point out various other Clauſes which may tend to the general Improvement of the Lands meant to be included in the Bill; and I ſhall at all Times have great Pleaſure in converſing or correſponding with Perſons inclined to communicate their Obſervations, and to throw a Light on the Subject, before the Bill has made too great a Progreſs to admit of any material Alterations or Amendments; and as I am perſonally known to many of the Land Owners in the Middle Level, whoſe Fen Eſtates border upon the High Lands, namely, in the ſeveral Pariſhes throughout the County of

of Huntingdon, from Peterborough Bridge to Erith Bridge, I take the Liberty of recommending to them to conſider the Defect of their preſent Drainage, and to turn their Thoughts to the Improvements which might be made when the Outfall is complete, if they were inveſted with the Powers which would be given by the ſeveral Clauſes I have pointed out in my Obſervations preceding this Addreſs. The Pariſhes I have alluded to are as follow; viz. Stanground, Farcet, Yaxley, Stilton, Caldecott, Denton, Glatton, Holme, Connington, Sawtry, Woodwalton, Upwood, Ramſey, Berry, Wiſtow, Warboys, Pidley, Fenton, Somerſham, Colne, and Erith. The Fen Lands, in ſeveral of theſe Pariſhes, have for many Years paſt been greatly injured for Want of a proper Drainage, and the Occupation become very precarious and hazardous to the Tenants, and the Lands of very trifling Profit to the Owners, and therefore the Proprietors of Eſtates, under ſuch Circumſtances, have every Inducement to exert themſelves for the Preſervation of their Property, when a well digeſted Plan is held out to them, ſupported by the Bulk of the landed Property in the Middle and South Levels, and the Country of Marſhland, and the Expence ſo far aſcertained, that the Lands will only be charged with the trifling Tax of Four Pence per Acre for Ten Years, or a Groſs Sum of Two Shillings and Nine Pence per Acre, at the Option of the Land Owners, if they prefer a prompt Payment of the Whole Tax at once to the Annual Tax of Four Pence per Acre for Ten Years.

Many able and ingenious Men, well acquainted with the Drainage of the Lands within the Limits of the intended Bill, having written very fully on this Subject, I ſhall not preſume to give any Opinion on the Plan brought before the Public for the Improvement of the Outfall of the River Ouze, not profeſſing myſelf to be an Engineer; but ſo far as I can judge, the Principle laid down by Meſſrs. Milne, Wattè, Rennie, Golborne, and Hudſon, in their Reports, and by Mr. Maxwell, in his Eſſay on Drainage and Navigation, appears to be incontrovertible, and correſponds with the Plan recommended by that able and ſucceſsful Engineer Mr. Kinderley, in his excellent Treatiſe on the Drainage of the Fens; and therefore, it ſeems, the Land Owners and Navigators may proceed with Confidence in a Work of ſuch general Utility, ſanctioned by the uniform Opinions of ſuch able and reſpectable Engineers.

Before I take Leave of the Land Owners engaged in this Undertaking, I muſt beg to obſerve, that I was induced to publiſh my Thoughts on this Occaſion, with a View to be uſeful to my immediate Employers, and to the Proprietors of Eſtates in general within the Limits of the intended Bill; and from the ſtrongeſt Conviction in my own Mind, that the Bill ſhould be framed on the moſt liberal Scale for the general Benefit of the Land Owners, the Trade, and the Conſumers, and not fettered by the Reſolutions of the Proprietors aſſembled at any public Meeting whatever; for though the Committee appointed at any ſuch Meeting for preparing and conducting a Bill in Parliament may conſider themſelves confined

confined in the Outlines of the Plan, as agreed upon at the Meeting, and bound to frame the Bill in the Firſt Inſtance agreeable thereto; yet it does not preclude any individual Member of the Committee, as a Land Owner or Agent, to offer any Clauſes which appear to him to be for the general Benefit of the Undertaking, or for the particular Advantage of any Deſcription of Lands within the Limits of the Bill; ſuch as THE FREE LANDS, THE ADVENTURERS LANDS, and THE COUNTRY OF MARSH-LAND; nor do I ſee any Impropriety in introducing ſuch Clauſes into the Bill before it is printed and diſtributed in the Country, giving public Notice of the Inſertion of ſuch Clauſes, and the Reaſons for ſo doing, by which Means the Parties intereſted would have a fair Notice of what the Bill contained, as well as an Opportunity of peruſing the Bill itſelf; on the contrary, it appears to me, that every Clauſe of material Conſequence ſhould be introduced into the Bill before it is publiſhed for the Peruſal of the Parties intereſted, and not kept back from the public Eye, and introduced when the Bill is in a Committee of the Houſe of Commons, when few of the Parties intereſted will be preſent or acquainted with the Tranſaction. And I muſt beg here to obſerve, that I have endeavoured to impreſs this Idea upon the Committee for conducting the Bill in Parliament, but without Effect; the prevailing Opinion being, that as the principal Object of the Bill is the Improvement of the Outfall of the Ouze, that this alone ſhould be attended to, and not be impeded by any extraneous Matter, tending to make the Plan more complicated, leſt it ſhould be the Means of throwing out a Bill, which has for its Object the Saving of the Country from impending Ruin; but if the Land Owners thought that further Powers ſhould now be taken for the Improvement of the interior Works of Drainage, or in any other Reſpects for the Benefit of the Eſtates within the Limits of the Bill, the Committee were of Opinion that this ſhould be done by One or more ſeparate Bills, and not to be blended with the Bill for the Improvement of the Outfall of the Ouze. Theſe Reaſons having had great Weight with me, I have been the leſs urgent in preſſing for the Clauſes I have before explained being introduced into the preſent Bill, it being very immaterial to the Land Owners, whether the Powers given to them by the Legiſlature for the Improvement of their Property are comprized in ſeveral different Acts of Parliament, or entirely in One Act; and therefore the Matters to be conſidered ſeem to be reduced to theſe Two Points: Firſt, Whether it is neceſſary for the Intereſt and Benefit of the Land Owners to extend their Powers under the preſent Bill further than to the Improvement of the Outfall of the River Ouze? and 2dly, If it ſhould be the Opinion of the Land Owners, that Powers ſhould be taken for the Improvement of the interior Works of Drainage, and in other Reſpects for the Benefit of their Eſtates, whether thoſe Powers ſhould be comprized in the preſent Bill, or be the ſubject of One or more ſeparate Bills? I have judged it the more neceſſary to go pretty much at large into this Subject, as my Engage-

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ments in Buſineſs will not permit me to attend the Bill through Parliament; and, previous to my quitting a Situation I have been placed in by a Number of reſpectable Land Owners, greatly intereſted in the Fate of this Bill, I thought it right to give public Notice of my Intentions, with ſuch Information as I could communicate, that thoſe who feel themſelves materially intereſted may give the Bill ſuch Support as their Inclinations lead them; at the ſame Time I muſt beg to aſſure the Gentlemen with whom I have gone through this laborious Work, that I very much approve the Principle of the Bill, conſidering it as the Means of ſaving the Country comprized within its Limits, though I am ſtrongly impreſſed with the Idea, that Powers ſhould be given, either by this, or other Bills to paſs at the ſame Time, for the Improvement of the Lands to the fulleſt Extent which can be deviſed, and not to leave the Work unfiniſhed, and truſt to Chance for its Completion. For let the Parties intereſted only for a Moment contemplate on the Conſequences, if they attend merely to the Improvement of the Outfall. The principal Land Owners, together with the Corporation of Bedford Level, are now impreſſed with the Neceſſity of exerting themſelves to relieve the Country from its preſent Diſtreſs; but ſuppoſing the Bill ſhould paſs, as now framed, only taking Powers for the Improvement of the Outfall, I fear that the leſſer Objects will not have ſufficient Weight in the next Seſſions to call forth the Exertions of the Parties intereſted, who perhaps will find themſelves ſufficiently wearied by obtaining One Act, and will be inclined to wait for ſome Years to ſee the Effect it will have on the Drainage; and if it ſhould ſucceed according to the Expectation of the Promoters of the Plan, it is not likely that there ſhould be an Inducement for ſuch a general Exertion when the Outfall is complete, as in its preſent ruinous State; and therefore now is the Time to complete the Buſineſs, by adopting a general Syſtem of Improvement whilſt the Parties intereſted have the Object before them, and the ableſt Engineers in the Kingdom ready to adviſe them; and they will alſo have the Aſſiſtance of the experienced Land Owners and other Inhabitants of the Country intended to be improved; and I cannot conceive that with ſuch Aſſiſtance, when the perilous Situation of upwards of Three hundred thouſand Acres of Land is proved to the Satisfaction of a Committee of the Houſe of Commons, that there will be any Backwardneſs in the Legiſlature at Once to give Relief to thoſe who thus ſeek it, and ſo much want it; nor can I conceive that, in a Queſtion of ſuch vaſt Magnitude, the Standing Orders of the Houſe will be entirely complied with or adhered to, but will be ſo far diſpenſed with as to give the Parties intereſted an Opportunity of framing, as it were, a Code of Laws, or Syſtem of Government, for regulating the Drainage and Improvement of this immenſe Tract of Land, the preſent Laws being admitted on all Hands to be extremely defective, and the Plans which have hitherto been purſued to be ruinous and deſtructive; and this being the general Voice of the Country, founded on the Experience of more than a Century, why ſhould a Plan be preſſed upon the Parties intereſted, which will only

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in Part aſſiſt them, when, with more general Satisfaction, they would readily adopt a Plan which would at Once completely relieve them, without ſubjecting them to the immenſe Labour and Expence of a Second Application to the Legiſlature.

In theſe Obſervations I have endeavoured to ſteer clear of any diſputed Points between the Land Owners and Navigators, and alſo between different Deſcriptions of Land Owners, that being too wide a Field for me to enter upon; but I have merely confined myſelf to one plain and clear Propoſition; namely, THAT AS THE IMPROVEMENT OF THE DRAINAGE OF THE MIDDLE AND SOUTH LEVELS OF THE FENS, AND THE COUNTRY OF MARSHLAND, AND THE NAVIGATION OF THE RIVER OUZE, IS THE OBJECT OF THOSE WHO FAVOUR THE BILL, THAT POWERS SHOULD BE NOW GIVEN FOR CARRYING SUCH IMPROVEMENT TO THE FULLEST EXTENT WHICH CAN BE DEVISED BY THE INGENUITY OF MAN.

I ſubmit theſe Obſervations to the Conſideration of the Parties intereſted, thinking myſelf bound, from the Situation in which I have been placed, to communicate to them whatever appears to me to be for their Benefit.

And I am their obedient and much obliged Servant,

SAMUEL EDWARDS.

Stamford,
MARCH 12th, 1793.

MVSEVM
BRITANNICVM